

**JOINT**  
**PUBLIC NOTICE**

CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107  
and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
Office of Environmental Quality Control  
Water Quality Certification and Wetlands Programs Section  
2600 Bull Street  
Columbia, South Carolina 29201

REGULATORY DIVISION  
Refer to: P/N #2005-1E-121

8 April 2005

**NOTE:** This work was previously advertised by P/N #2001-1E-345-C; however, the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM), found the project inconsistent with the South Carolina Coastal Zone Management Program and denied the State authorization. As a result, the DA permit was also denied. Subsequently, as a result of the settlement of an appeal, OCRM will issue the required Coastal Zone Consistency Certification for this project. Since the State Construction in Navigable Waters Permit and the Department of the Army Permit were never issued, a new application was required.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

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ROBERT SETZER  
192 LAZY BEE LANE  
GREEN POND, SOUTH CAROLINA 29446  
and  
JOHN GILGEN  
218 LAZY BEE LANE  
GREEN POND, SOUTH CAROLINA 29446

for a permit to construct a pier and floating dock in the

ASHEPOO RIVER

at a location near Green Pond, Colleton County, South Carolina.  
(Latitude – 32.73673, Longitude – 80.55769)

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 25 APRIL 2005

from those interested in the activity and whose interests may be affected by the proposed work.

8 April 2005

The proposed work consists of constructing a timber pier with a 10' x 20' fixed pierhead attached to highland by a 4' x 180' walkway. In addition, a 10' x 30' floating dock is to be installed in front of the fixed pierhead and attached to the fixed pierhead by a ramp. The purpose of this work is for the joint private recreational use of the applicants.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The work shown on this application must be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certification is received. This activity may also require evaluation for compliance with the S.C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S.C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

8 April 2005

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

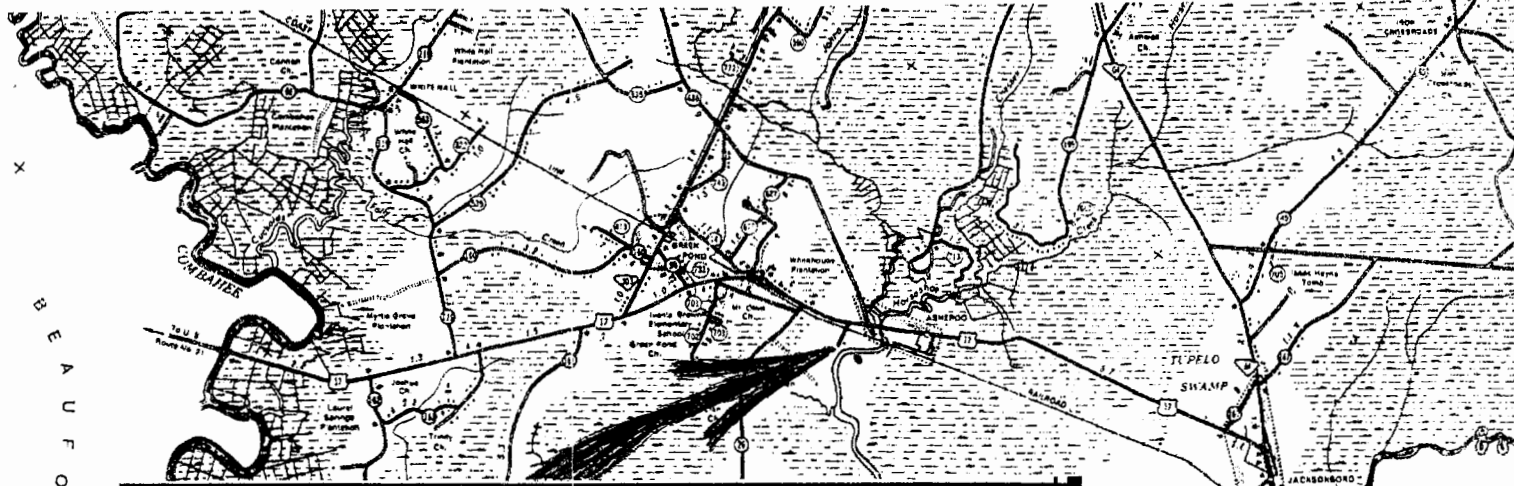
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

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If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

A handwritten signature in black ink, appearing to read "Jackie Easterling", with a large, sweeping flourish extending to the right.

Jackie Easterling  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers

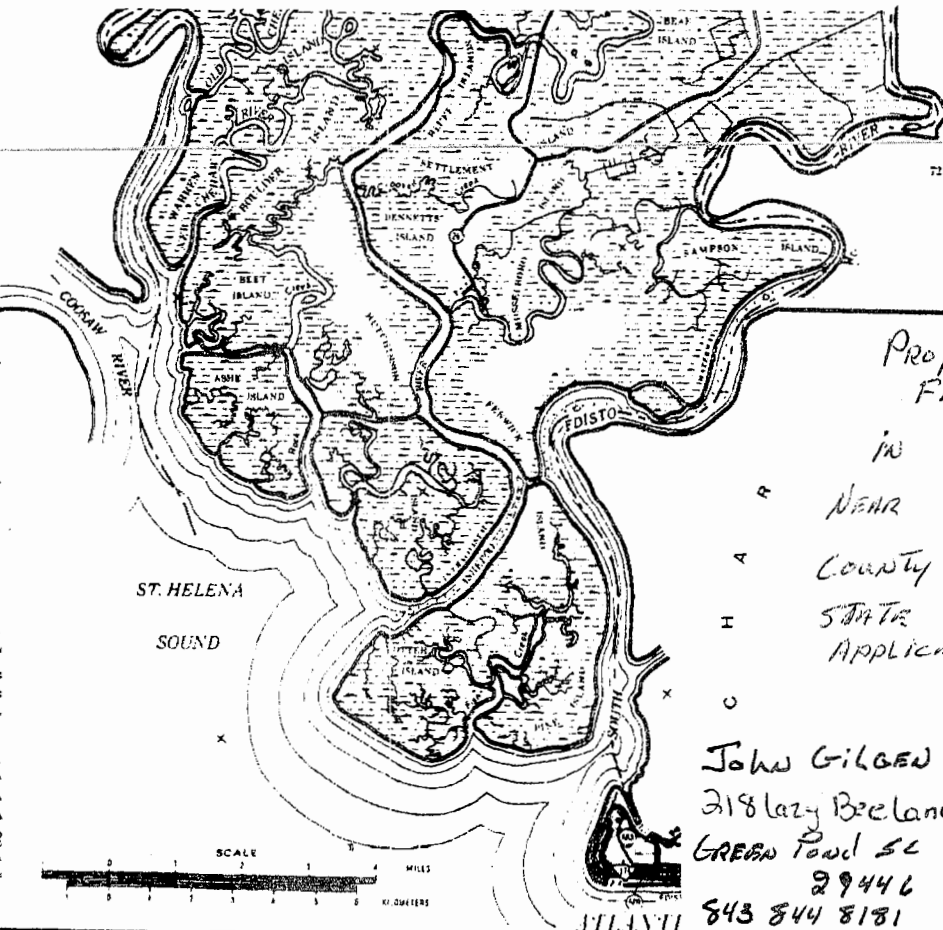


Hwy SOUTH 17 from CHARLESTON, TO THE  
 ASHEPOO RIVER, THEN 1/3 OF MILE ON THE  
 LEFT PAVED ROAD ASHEPOO DRIVE. GO  
 ACROSS THE RAILROAD TRACKS RIGHT ON POLO  
 SABO GO TO LAZY BEE LANE ON THE LEFT. ABOUT  
 1000 FT IS BOB SETZER AND JOHN GILGEN PLACE.



# LEGEND

- CITIES & TOWNS
- ROADS
- RAILROADS
- WATER
- LAND
- SETTLEMENT
- ISLAND
- COASTAL WATERS
- ST. HELENA SOUND
- ASHEPOO RIVER
- EDISTO RIVER
- ATLANTIC OCEAN



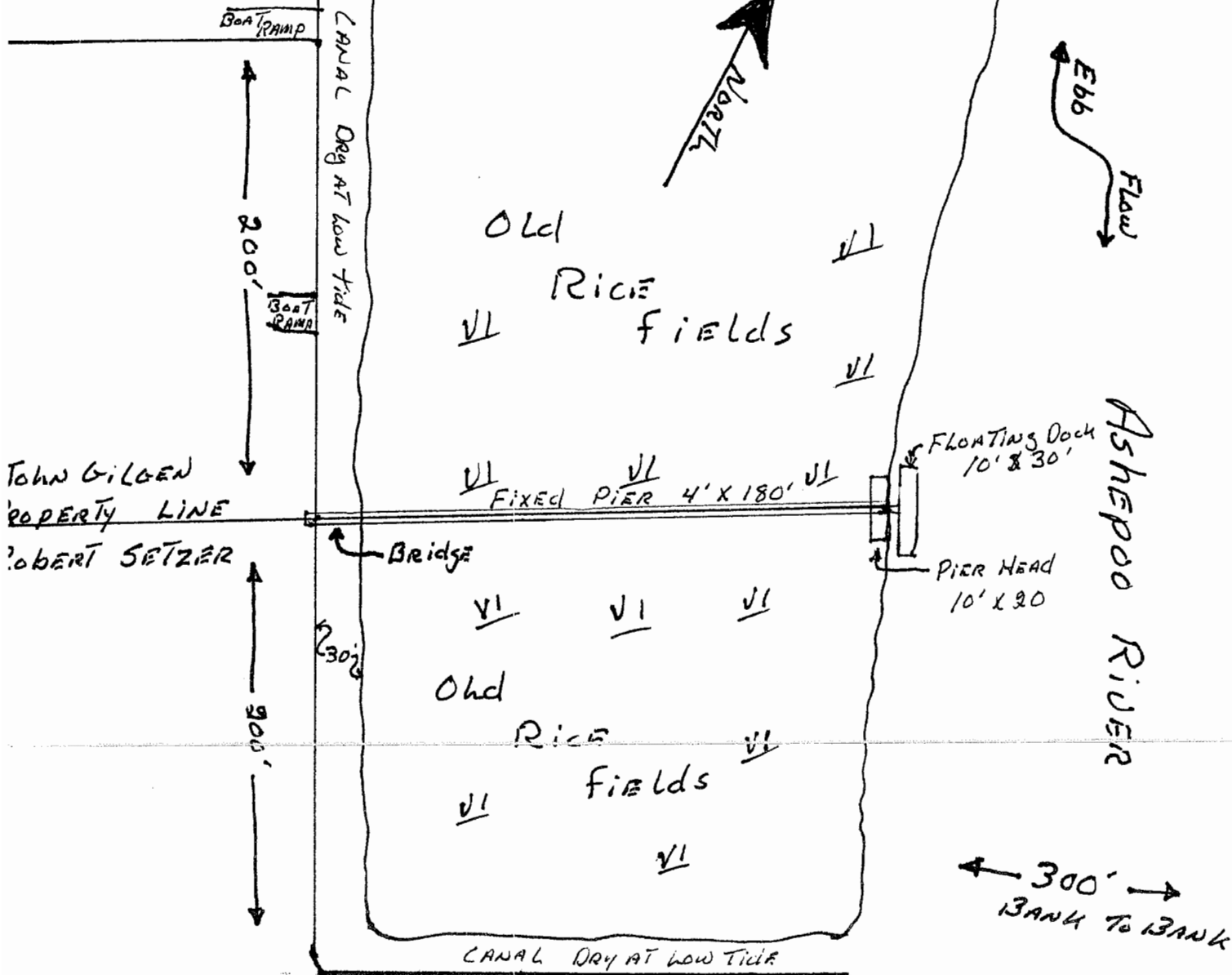
Produced by  
 D & L MAP SERVICE  
 721 W. Division • Arlington, TX 76012

PROPOSED PIER AND DOCK  
 FLOATING DOCK  
 IN ASHEPOO RIVER  
 NEAR GREEN POND  
 COUNTY COLLETON  
 STATE SOUTH CAROLINA  
 APPLICATION BY BOB SETZER  
 JOHN GILGEN

JOHN GILGEN  
 218 LAZY BEE LANE  
 GREEN POND SC  
 29446  
 843 844 8181

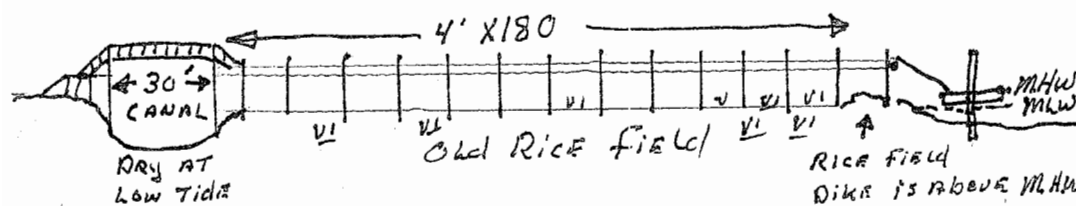
ROBERT SETZER  
 192 LAZY BEE LANE  
 GREEN POND SC  
 29446  
 843 844 8181

216 FOREST LAKE BLVD  
 CHARLESTON SC 29414  
 843-556-4418



THOMAS HERNDON  
 194 DEER CT GREEN POND SC 29446 843-844-2037

**NOTE:** Walkway crossing canal will be elevated  
 a minimum of 4.5' above mean high water.

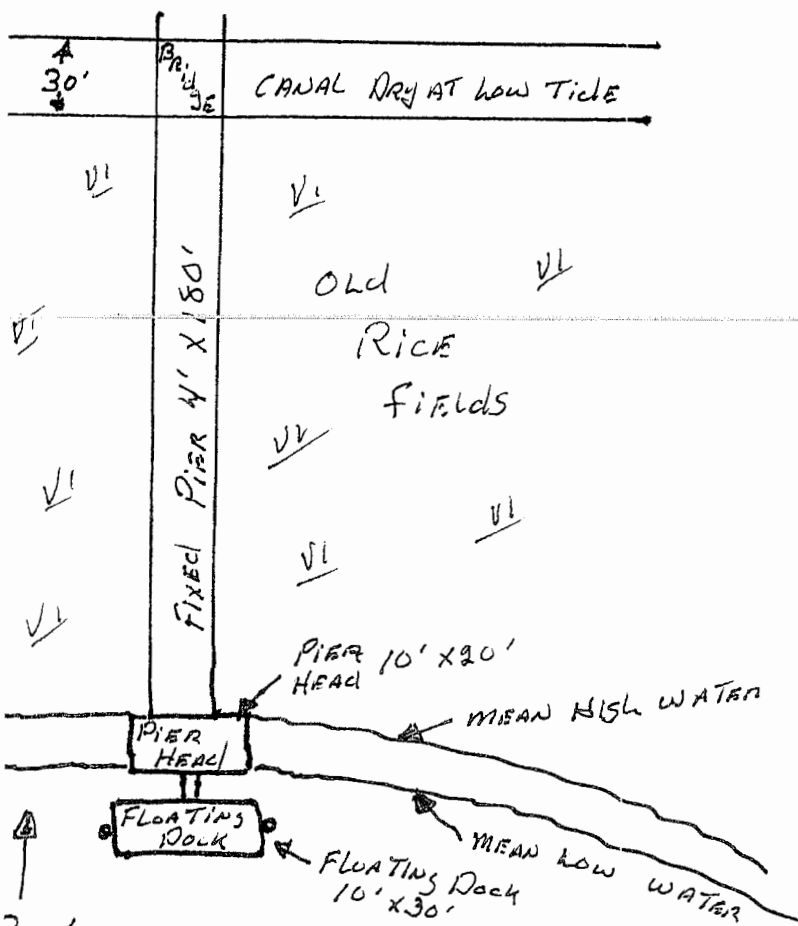
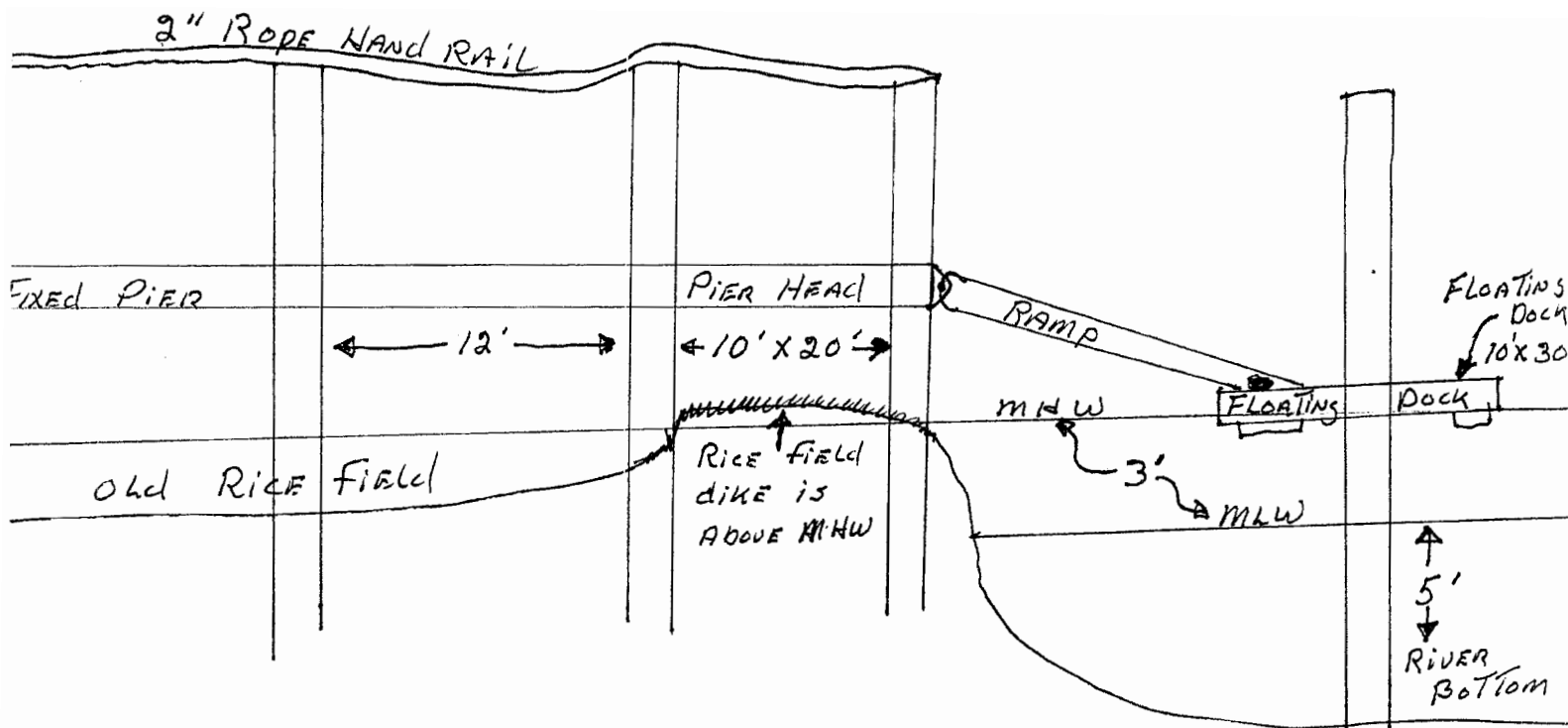


PROPOSED PIER AND FLOATING DOCK  
 IN ASHEPOO RIVER  
 NEAR GREEN POND  
 COUNTY COLLETON  
 STATE SOUTH CAROLINA  
 Application by ROBERT SETZER  
 JOHN GILGEN 192 LAZY BEE LANE  
 215 LAZY BEE LANE GREEN POND SC  
 GREEN POND SC 29446  
 29446 843 844 2771  
 843 844 8181

March 28, 2005

SHEET 2 OF 5

2005-1E-121



Ashepo River

Flow ebb

March 28, 2005

2005-1E-121

SHEET 3 of 5

# ADJACENT PROPERTY OWNERS

NORTH

JIM REYNOLDS

2216 FOREST LAKE BLVD

CHARLESTON SC 29414

843-556-4418

SOUTH

THOMAS HERNDON

194 DEER CT

GREEN POND SC 29446

843-544-2037

PROPOSED PIER AND FLOATING DOCK

IN ASHEPOO RIVER

NEAR GREEN-POND

COUNTY - COLLETON

STATE - SOUTH CAROLINA

Application by

JOHN GILLEN

218 LAZY BEE LANE

GREEN POND SC

29446

843 544 8181

ROBERT SETZER

192 LAZY BEE LANE

GREEN POND SC

29446

843-544-2777

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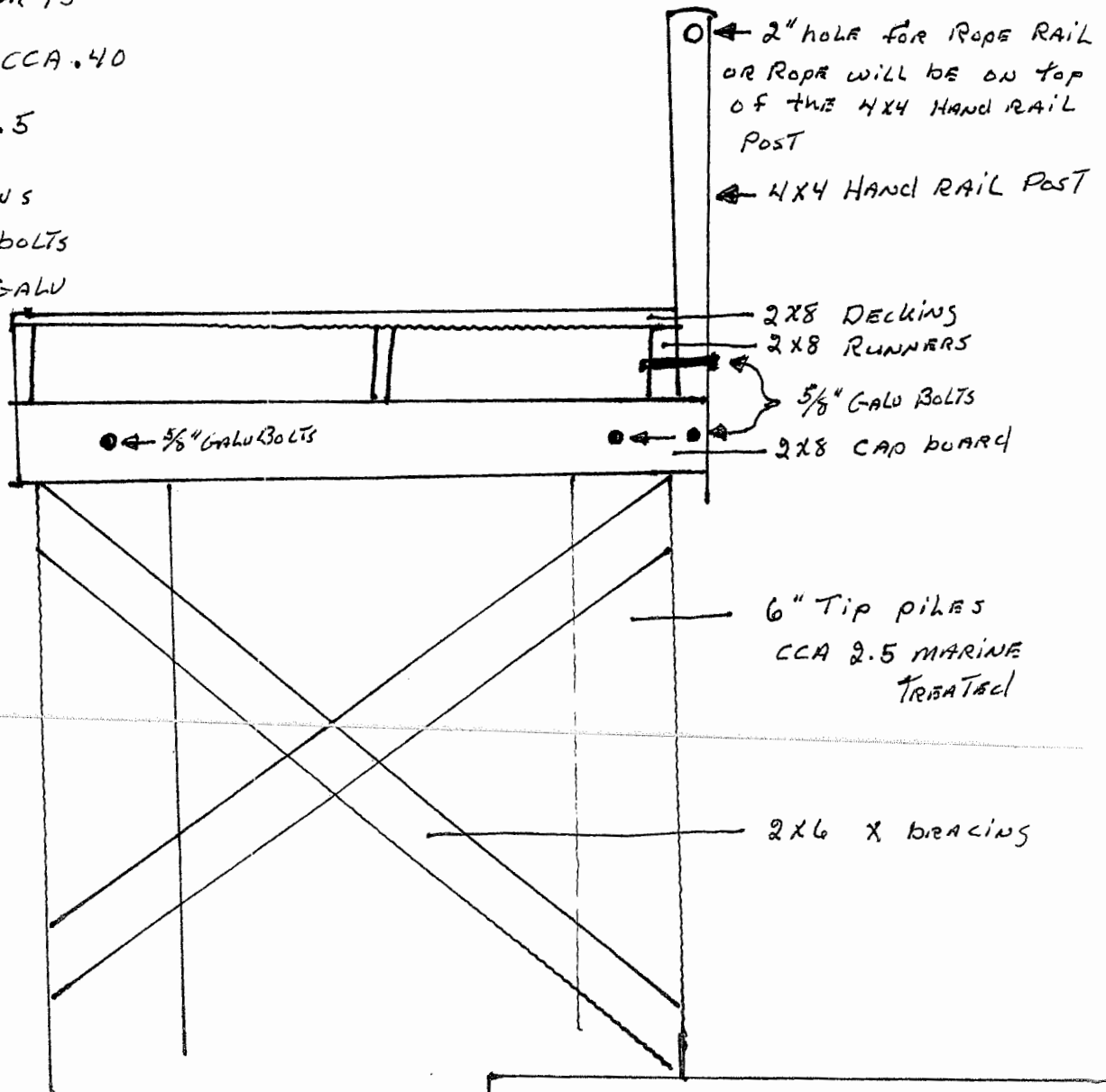
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PILES 2.5

ALL SCREWS

NAILS AND BOLTS

ARE dip GALV



PROPOSED PIER AND FLOATING DOCK  
IN ASHEPOO RIVER

NEAR GREEN POND

COUNTY COLLETON

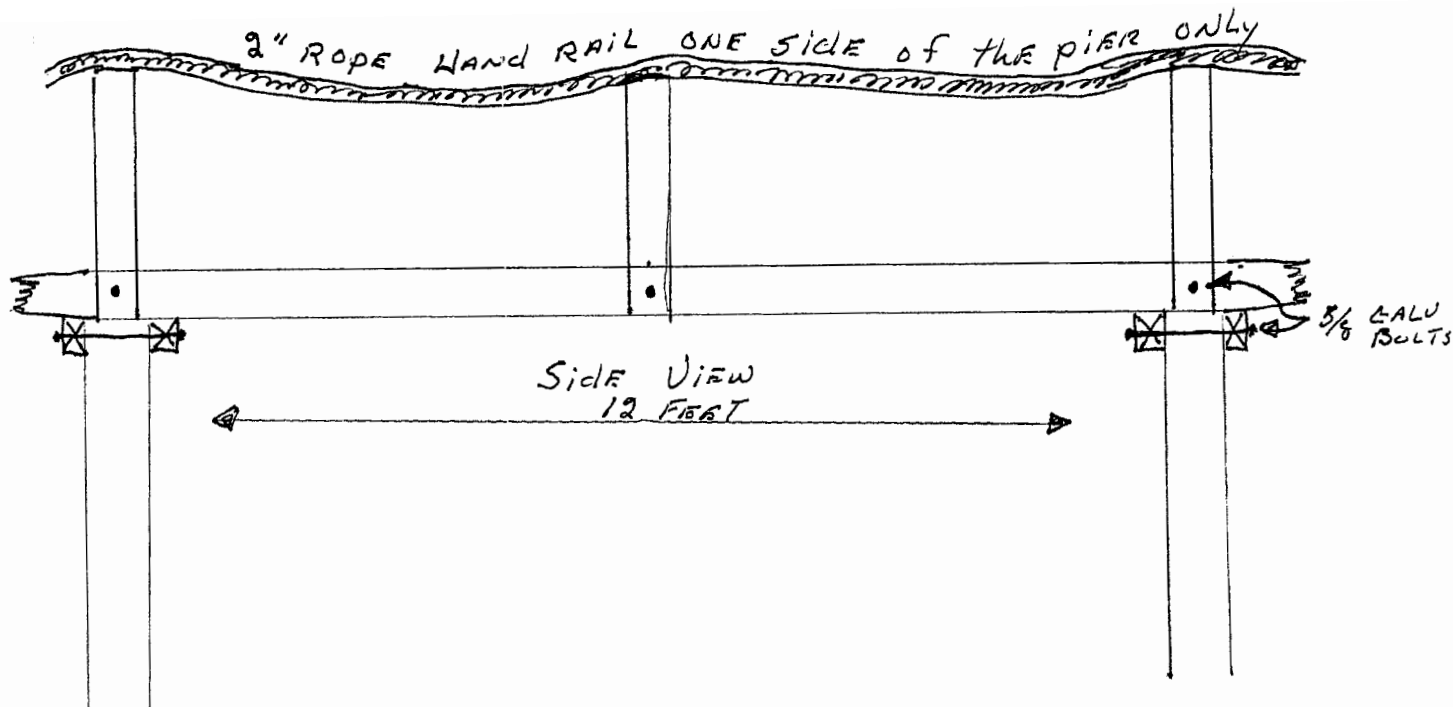
STATE SOUTH CAROLINA

APPLICATION BY ROBERT SETZER  
JOHN GILGEN 192 LAZY BEE LANE  
218 LAZY BEE LANE GREEN POND SC 29446  
GREEN POND SC 29446  
843 844 8181 843 844 270

MARCH 28, 2005

SHEET 4 OF 5

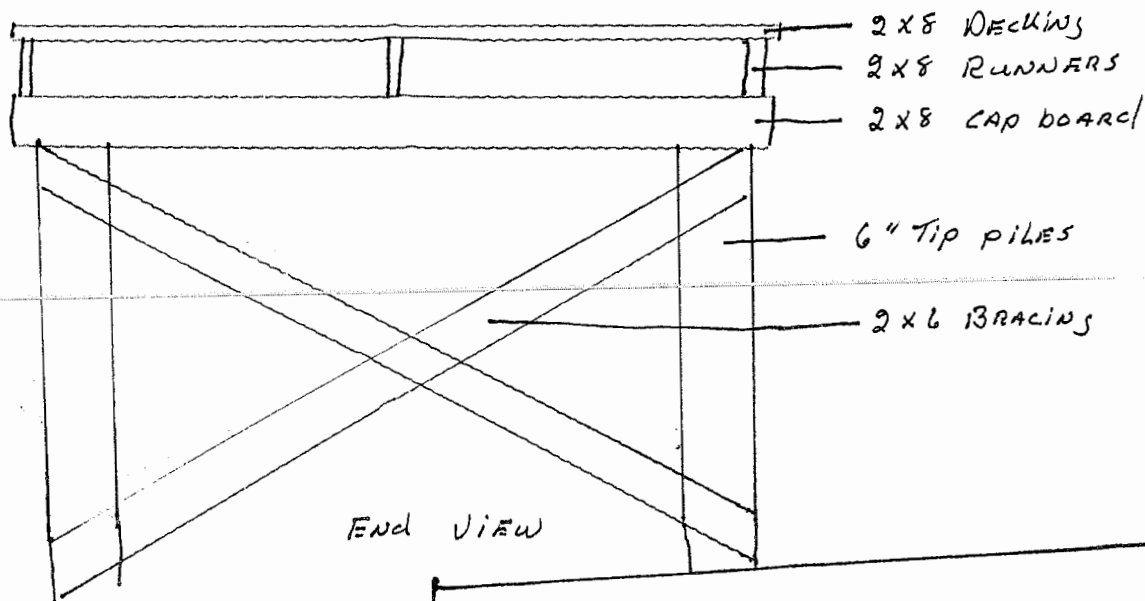
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ALL LUMBER  
IS TREATED  
CCA.40

PILES 2.5

ALL SCREWS  
NAILS AND  
BOLTS AT  
dip GALV.



PROPOSED PIER AND FLOATING DOCK  
IN ASHEPOC RIVER  
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March 28, 2005

SHEET 5 OF 5

2005-1E-121